

Appl. No. 10/791,070
Reply dated June 24, 2005
Reply to Office Action mailed March 24, 2005

REMARKS

Applicant wishes to thank the examiner and his supervisor for the courtesy of a telephonic interview.

The present application and its claims are directed to a device for in process data logging of a parameter during the processing of an object. In particular, the device is attached to the object so that it experiences and records the process parameters experienced by the object and then outputs those process parameter measurements at some later time. As a result of this response, Claims 76-94 and 97- 100 are now pending.

REJECTIONS

In response to the Examiner's rejection of 76-83, 91-94 and 91-100 under 35 USC 103 as being unpatentable over US Patent Application Publication No. 2003/0109951 to Hsiung et al. (hereinafter "Hsiung") in view of U.S. Patent No. 6,359,444 to Grimes (hereinafter "Grimes"), and the rejection of Claims 84-90 as being unpatentable over Hsiung in view of Grimes and further in view of US Patent No. 6,518,574 to Castleman (hereinafter "Castleman"), Applicant respectfully traverses the rejections as the combination of these pieces of prior art do not render the current claims of the application obvious as asserted by the examiner.

Hsiung is a stationary system for monitoring an industrial process in which a number of different sensor arrays or sensors (see paragraph 81 and 82 of Hsiung) that detect chemical stimulus, thermal stimulus or radiation stimulus to monitor an industrial process. These same paragraphs also describe that Hsiung is a completely stationary system in that the sensors are not movable nor portable. In fact, the examiner has admitted that Hsiung does not describe these features as set forth on pages 1-2 of the March 24, 2005 office action.

The examiner has attempted to cure this deficiency of Hsiung by citing Grimes. Grimes discloses a remote resonant circuit for sensing an analyte in a test environment. See Abstract of Grimes. In Grimes, the sensor has a substrate that interacts with the analyte and then generates a signal that indicates the presence of the analyte. See Abstract. In one embodiment, the sensor sends a response signal in response to an interrogation signal. See Col. 10:14-67. However, Grimes does not disclose a data logger that is part of the claimed portable single unit.

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In order to establish that the combination of Hsiung and Grimes renders the claims obvious, the examiner must prove that each element of the claim is disclosed and that there is a motivation to combine these references. However, neither Hsiung nor Grimes discloses a single portable unit that has a data logger as set forth in the independent claims since 1) Hsiung does not disclose a portable single unit or a portable single unit with a data logger; and 2) Grimes does not disclose a portable unit with a data logger as described above. Therefore, the combination of Hsiung and Grimes does not disclose every claimed feature of the invention and is not a proper rejection under 35 USC 103. Furthermore, one of ordinary skill in the art would not be motivated to combine Hsiung with Grimes since neither patent teaches that motivation. Therefore, applicant respectfully requests that the examiner withdraws his rejection of the claims.

CONCLUSION

In view of the above, it is respectfully submitted that Claims 76 – 94 and 97 - 100 are allowable over the prior art cited by the Examiner and early allowance of these claims and the application is respectfully requested.

The Examiner is invited to call Applicant's attorney at the number below in order to speed the prosecution of this application.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896.

Respectfully submitted,

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